

Book	Policy Manual
Section	Policies for the Board, 32-1
Title	Overview
Code	01
Status	

WISCONSIN OVERVIEW AND COMMENTS

Volume 32, Number 1 January 2023

All production-related materials and questions should be directed to the Coshocton Office at 632 Main Street, Coshocton, Ohio 43812 (phone 800-407-5815, fax 740-622-2557). Billing questions should be directed to the Stow Office at 3914 Clock Pointe Trail, Suite 103, Stow, Ohio 44224 (phone 330-926-0514, fax 330-926-0525).

Please make any revisions on the BoardDocs software using the instructions provided to you. You may direct questions related to content to your Neola Associate. Questions regarding the software should be directed to the BoardDocs help desk staff.

If a District chooses not to adopt a policy or administrative guideline, the District is still obligated to follow applicable Federal and State laws relating to that topic.

The proposed new, revised, and replacement policies, administrative guidelines, and forms included in this update have been thoroughly prepared and reviewed by Neola's legal counsel for statutory compliance. If you make changes or substitute in its entirety policies or other materials of your own drafting, those materials should be reviewed by your legal counsel to verify compliance. Neola does not review District-specific edits to update materials or District-specific policies for statutory compliance.

If a policy or guideline is marked as a revision, the changes have been marked in bold (to add material) and crossed out (to delete material). As you review a revised policy or guideline, you may choose to accept one, many, or all of the changes provided. If a policy or guideline is marked as a replacement, that means there have been enough changes made that justify a complete, clean replacement copy. As you review a replacement policy or guideline, you should also check the materials you have in your current policy or guideline to see if there is some specific wording you want to be included in the replacement policy. If so, a copy of any wording to be added and where it should be inserted should be forwarded with the replacement policy or guideline when it is returned to the Coshocton office for processing.

If the District authors language and adds it to a policy template or deletes content that is not marked as a choice in the policy template, then these actions will constitute District-specific edits.

Policies that are to be deleted from the policy manual require Board action to rescind the policy.

Your Neola Associate will contact you in the near future to schedule an appointment to review this update and ensure you are current on this and previous updates.

If you are not an administrative guidelines client, you did not receive those materials in this packet. Contact your Associate for more information about becoming an administrative guidelines client.

Processing Update Materials

Revisions to your policies and administrative guidelines should be made on the BoardDocs software using the instructions provided to you.

Using Header Box Options in BoardDocs

Each policy and administrative guideline has multiple header boxes in BoardDocs that provide essential information in addition to the title and code number for the document. (NOTE: All the header boxes are visible only when editing is turned on; in view mode, only the header boxes with content are shown.)

Adopted: The "Adopted" header box indicates when the policy or guideline was first adopted, and that date never changes as long as the policy or guideline is active.

Last Revised: Retaining the history of each policy and guideline is important for legal and administrative reasons, so BoardDocs provides options for such retention. Immediately beneath the "Adopted" header box is the "Last Revised" header box that indicates the last time the policy or guideline was changed, and this box is updated by Neola Production each time a revision is submitted. Any revision dates between the initial adoption and the latest revision are usually located at the bottom of the document, just above the Neola copyright. (Again, these dates are updated by Neola Production with each submission and should correspond to Board meeting minutes, except for TC notations for technical corrections.)

Last Reviewed: A new "Last Reviewed" option now exists for indicating that you have reviewed the policy or guideline and have found it to be sufficient as presently written. Since no revision is being made in these situations, there is no record that the document was reviewed. A common example would be a technical correction that isn't needed on your document, or a revision to an option that you do not have or want. In such cases, because the copyright has changed but not any content, you would want to show that your document is current as of the new copyright date even though it has the older copyright date from the previous version of the Neola template. Now you have the option to indicate that you have reviewed the document even though no revision was made by putting the review date in the new "Last Reviewed" header box. This is also a handy feature for those Boards that use a policy review regimen in addition to revisions made through the Neola Update process.

Any questions about how to use these BoardDocs header box features should be directed to your Neola Associate, or you may contact BoardDocs Support at 1-800-407-0141.

District-Specific Materials

If the District chooses, during any step of the Update process, to incorporate District-specific material into a new policy or guideline that has been proposed or to insert District-specific material into a current policy or guideline for which revisions have been proposed in an update issued by Neola, then the District agrees to hold Neola harmless for those District-specific edits and acknowledges that Neola's warranty for legal challenges to that District-specific language in that policy or guideline will not be in effect. In addition, Neola retains ownership of the text from the original policy template that remains in a policy to which District-specific material has been added. District-specific materials include the following:

1. Materials from the District's existing materials that the District requests be incorporated during the drafting process;
2. New materials that the District develops in their entirety and exclusive of Neola;
3. Revisions or deletions that substantively depart from Neola's templates; and
4. Outdated material that a District did not keep current with Neola updates.

Further, Neola does not recommend the use or incorporation of District-specific materials. Neola will, at the request of the District, incorporate District-specific materials into the licensed materials, with the implicit understanding that the District bears all risks associated with the District's decision to request that such District-specific materials be incorporated. Neola reserves the right to but is not obligated to, advise the District to seek its own legal review of District-specific materials.

Notice Regarding Legal Accuracy

Neola is vigilant in providing policy language to clients that has been vetted for legal accuracy by outside legal counsel. Should questions arise as to the legal compliance or accuracy of Neola materials, it is our expectation that Neola's counsel would have the opportunity to assist in the resolution of such a claim. Please notify the Neola corporate office if an issue arises in which such a review or assistance is necessary.

Policies in this update have been reviewed by either Davis & Kuelthau, s.c. or Renning Lewis & Lacy, s.c. for consistency with Federal and State law.

Supplemental Information

Toolkit for Policy 5410

Complaint Quick Reference Chart

Policy Revisions**Policy 0100 – Definitions (Revised)**

New definitions have been added for the terms “Legal Notice” and “Official Newspaper”, as those terms may be referenced in various policies. This revision is recommended for updated references.

Policy 0175 – Association Memberships (Revised)

This revision adds an additional membership option for the Board.

Policy 2210 – Curriculum Development (Revised)

This policy is revised to more closely align with DPI regulations pertaining to curriculum development and content, as well as to reference the review process. The policy also incorporates reference to innovative instructional design concepts and a cross reference to the innovative instructional programming policy.

Adoption is recommended to incorporate more detailed language provided in applicable regulation and to reference applicable legal citations.

Policy 2220 – Adoption of Courses of Study (Revised)

This policy has been revised in coordination with Policy 2210 to better reflect DPI regulations, PI 8.01(2)(k)2 & PI 8.01(2)(k)3.

This revision is recommended.

Policy 2221 - Special Observance Days (Revised)

This policy has been revised to align with current State law that specifies September 11th as a special observance day as well as certain provisions for Arbor Day.

This revision is recommended.

Policy 2430 – District-Sponsored Clubs and Activities (Revised)

The policy has been updated to include language permitting use of the District logo and other intellectual property when in compliance with the policy in order to be consistent with the current guidelines. It is recommended for internal consistency.

Policy 3215/4215 – Use of Tobacco and Nicotine by Professional/Support Staff (Revised)

This policy is revised to specifically prohibit smoking as intended and to reference marijuana and hemp derivatives within the context of smoking. This is provided to give districts more authority to control the use of these partially legal products that are nonetheless used as mood-altering substances impacting students and schools.

This revision is recommended for consistency and to continue to improve efforts to keep the influence of substances out of the schools.

Policy 5200 – Attendance (Revised)

This policy is revised to incorporate definitions of key terms for both purposes of this policy. These definitions are required in order to enforce truancy requirements and potentially to enforce open enrollment termination provisions in the context of habitual truancy.

Adoption of these revisions is strongly recommended.

Policy 5250 - Program or Curriculum Modifications (New)

This new policy provides for the process specified by State statute for program or curriculum modifications for students in circumstances that require more than a routine schedule change. The policy does not indicate how such requests are handled since that procedure would be contained in the administrative guidelines and/or student handbook.

Adoption of this new policy is recommended to align with the State statute but is not required.

Policy 5330 – Administration of Medication/Emergency Care (Revised)

This policy is updated to clarify options and includes revised language regarding the storage of medications. This revision is recommended for consistency with current practices.

Policy 5340 - Student Accidents/Illness/Concussion & Sudden Cardiac Arrest (Revised)

This policy has been revised to reflect the best practices regarding the health, safety, and welfare of students when a teacher or coach determines a student is exhibiting signs, symptoms, or behavior consistent with a concussion or head injury. This revision is recommended for consistency with current best practices.

Policy 5410 – Promotion, Placement and Retention (Revised)

The policy is updated to include new definitions to match the current administrative guideline. Updated drafting notes are also provided. A toolkit is included in this Update with examples of different ways to write this policy in accordance with the State statute.

These revisions are recommended for compliance with the current Wisconsin statute and consistency with the guideline.

Policy 5512 – Use of Tobacco and Nicotine by Students (Revised)

This policy is revised to specifically prohibit smoking as intended and to reference marijuana and hemp derivatives within the context of smoking. This is provided to give districts more authority to control the use of these partially legal products that are nonetheless used as mood-altering substances impacting students and schools.

This revision is recommended to continue to improve efforts to keep the influence of substances out of the schools.

Policy 5517 - Student Anti-Harassment (Revised)

This policy is revised for purposes of consistency with current laws and regulations regarding Student Anti-Harassment.

Adoption is recommended for policy language consistent with applicable law.

Policy 5771 – Search and Seizure (Revised)

This policy is revised to provide an additional option for the frequency of inspections and an updated statutory reference.

Policy 7434 – Use of Tobacco and Nicotine on School Premises (Revised)

This policy is revised to specifically prohibit smoking as intended and to reference marijuana and hemp derivatives within the context of smoking. This is provided to give districts more authority to control the use of these partially legal products that are nonetheless used as mood-altering substances impacting students and schools.

This revision is recommended for consistency and to continue to improve efforts to keep the influence of substances out of the schools.

Policy 7440 – Facilities Security (Revised)

Language has been added to reflect a recent Wisconsin Court of Appeals decision which permits searches of non-student visitors or vehicles on school property under certain circumstances. See *State v. Vang*, 398 Wis.2d 311 (Ct. App. 2021). The pertinent case citation is added to the legal references.

Policy 7544 – Use of Social Media (Revised)

The policy is revised to add an intermediate option to the designation of permitted activity and forum determination of District approved social media platforms. Review of this policy and current selections made by the District is strongly encouraged to assure that Board policy and practice are consistent and deliberate.

Policy 8405 – Environmental Health and Safety Program (Revised)

Policy is revised to more closely align with statutory requirements for developing the indoor environmental quality plan and additional and updated citations are added.

Adoption is recommended for policy language consistent with applicable law.

Policy 8420.01 – Epidemics and Pandemics (Revised)

This policy has been modified to avoid language that might be interpreted to implicate open meetings laws, based on the Wisconsin Supreme Court ruling in 2017, and adds options for flexibility in plan development.

Policy 8450 – Control of Casual-Contact Communicable Diseases (Revised)

Revisions are made to this policy to more accurately reflect the statutory requirements and authority granted to certain school staff and required action found in 252.21 Wis. Stats.

Adoption of these revisions is recommended for compliance with statutory requirements.

Policy 8600 - Transportation (Revised)

This policy is revised to incorporate regulatory language regarding placement of video and audio surveillance equipment in District-owned or contracted busing services.

Policy 8800 – Religious Activities and Observances (Revised)

The policy is revised to reflect the recent U.S. Supreme Court decision in *Kennedy v. Bremerton School District* in which the Court clarified the equal importance of and the interaction between the Constitution's two first amendment clauses pertaining to religious rights. The *Bremerton* decision reinforced employees' rights to the free exercise of religion such that a first amendment analysis regarding district action (i.e. discipline or censorship) must consider whether the employee is exercising the staff members' free exercise rights.

As a practical matter, the analysis remains unchanged; however, the Court clarified that the school district officials were not entitled to err on the side of avoiding a violation of the establishment clause. The policy is also revised by removing the U.S. Flag observances and placing those provisions in a separate policy, Policy 8802.

Revisions are recommended and if not adopted so that applicable policies articulate current law, a District can be exposed to a Constitutional challenge to the policy as facially invalid. Likewise, application of the concepts does require officials to apply the law as described in the policy revisions.

Policy 8802 - Patriotic Observances (New)

The policy is added to separate the observances language from the religious activity policy to more accurately distinguish the concepts. The policy also provides an option relative to moments of silence intended to avoid religious connotations to such remembrance or recognition observances.